

§ 1.821(f). In that the rules for the format of a sequence listing have now changed, the sequence listing adopts the new format, and the above amendment requests the new sequence listing to replace the old one. However, the substantive content of the sequence listing remains the same.

Double Patenting

The Office Action raises a double patenting issue vis a vis U.S. patent 5,843,780. Applicants note that the serial number of the application from which patent '780 issued was 08/591,246. As noted on PTO Form SB/05, a terminal disclaimer was submitted at the time of filing the original application (item 16). That terminal disclaimer covered both the application and any patent issuing therefrom. Thus, the Office already has the appropriate terminal disclaimer, and this ground for rejection should therefore be withdrawn. In any event, another copy of the terminal disclaimer is enclosed for ease of reference.

Drawings

PTO Form 948 notes that photographs are not acceptable until a petition is granted to allow them and requests three full sets. Applicant notes that a petition was filed on June 26, 1998 at the time of filing the above-identified application. Applicant request clarification of the status of that petition.

Further, the request for three full sets of photos conflicts with OG Notice 1211 OG 1134. It is Applicant's understanding that only one copy is required under current PTO practice. Applicant would appreciate confirmation that no further copies are needed and that the petition has been granted.

§ 112, First Paragraph Rejection

Claims 1 - 11 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Paragraph 9 of the Office Action suggests that this rejection could be adequately addressed by a Declaration making of record an article

authored by Applicant. This article describes successful experiments with human cells. The article has now been made of record by the enclosed Declaration.

Applicant believes that this rejection has now been addressed and rendered moot.

§ 112, Second Paragraph Rejection

Claims 1 - 11 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant believes that all of the claims (except for the minor issue in claim 11) were sufficiently definite in the form originally submitted. However, in order to expedite prosecution, and without prejudice to claim scope, the above amendments were made to address the § 112 rejection. Specifically:

1. The "capable of" language in claim 1 has now been replaced with more positive language.
2. The "chromosomes characteristic of the human species" language in claims 1 and 3 has been addressed by substituting the Examiner's suggested wording.
3. The word "noticeably" in claims 1 and 3 has been deleted as requested.
4. The word "essentially" in claim 3 has been deleted.
5. Claim 9 now positively recites that the result is achieved.
6. Claim 11 now incorporates the change requested by the Office Action.
7. Also, a grammatical error in claim 1 has been corrected by changing "are" to "is".

Art Distinctions

The Applicant notes with appreciation the Examiner's comments regarding distinctions from the prior art and the finding that the claims are free of prior art.

Conclusion

In view of the above Amendment, Remarks and enclosed Declaration, the application is now believed to be in condition for allowance, and allowance is respectfully requested. No additional fee is believed necessary with

respect to this Amendment. However, if one is, please charge
deposit account 17-0055 for the amount of the fee.

Respectfully submitted,

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By: _____

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